

**GOVERNOR'S OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP A301)  
GRANT AWARD FACE SHEET**

The Governor's Office of Criminal Justice Planning, hereafter designated OCJP, hereby makes a grant award of funds to the following Administrative Agency (1) SAN MATEO COUNTY hereafter designated Grantee, in the amount and for the purpose and duration set forth in this grant award.

(2) Implementing Agency Name DISTRICT ATTORNEY

Contact: Stephen Wagstaffe Address 400 County Center, 3<sup>rd</sup> Floor, Redwood City, CA 94063

Telephone (650) 363-4636

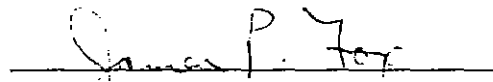
(3) Project E-mail Address (If you have one.) Statutory Rape Vertical Prosecution Program (SRVP) <u>swagstaffe@co.sanmateo.ca.us</u>	Award No.
(4) Project Director (Name, Title, Address, Telephone) (four lines maximum) Stephen Wagstaffe, Chief Deputy 400 County Center, 3 <sup>rd</sup> Floor Redwood City, CA 94063 (650) 363-4636	(7) Grant Period July 1, 2003 – June 30, 2004 (8) Federal Amount N/A (9) State Amount \$130,500
(5) Financial Officer (Name, Title, Address, Telephone) (four lines maximum) Mary Coughlan, Financial Services Manager 400 County Center, 3 <sup>rd</sup> Floor Redwood City, CA 94063 (650) 363-4004	(10) Cash Match N/A (11) In-Kind Match N/A (12) Total Project Cost \$130,500

This grant award consists of this title page, the proposal for the grant which is attached and made a part hereof, and the Assurance of Compliance forms which are being submitted. I hereby certify that: (1) I am vested with authority to, and have the approval of the City/County Financial Officer, City Manager, or Governing Board Chair, enter into this grant award agreement; and (2) all funds received pursuant to this agreement will be spent exclusively on the purposes specified. The grant recipient signifies acceptance of this grant award and agrees to administer the grant project in accordance with the statute(s), the Program Guidelines, the OCJP Grantee Handbook, and the OCJP audit requirements, as stated in this Request for Proposal (RFP) and Request for Application (RFA). The grant recipient further agrees to all legal conditions and terms incorporated by reference in this RFP/RFA.

FOR OCJP USE ONLY

Item:  
Chapter:  
PCA No.:  
Components No.:  
Project No.:  
Amount:  
Split Fund:  
Split Encumber:  
Year:  
Fed. Cat. #:  
Match Requirement:  
Fund:  
Program:  
Region:

(13) Official Authorized to Sign for Applicant/Grant Recipient



Name: James P. Fox  
Title: District Attorney  
Address: 400 County Center, 3<sup>rd</sup> Floor  
Redwood City, CA 94063  
Telephone: (650) 363-4636  
Date: May 20, 2003

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above.

\_\_\_\_\_  
Fiscal Officer, OCJP                                  Date

\_\_\_\_\_  
Executive Director, OCJP                                  Date

## PROJECT SERVICE AREA INFORMATION

1. COUNTY OR COUNTIES SERVED: Enter the name(s) of the county or counties served by the project. Put an asterisk where the principal . . . of the project is located.

SAN MATEO COUNTY\*

## PROJECT CONTACT INFORMATION

Applicant: DISTRICT ATTORNEY  
Implementing Agency (if applicable): DISTRICT ATTORNEY  
Project Title: STATUTORY RAPE PROSECUTION PROGRAM  
Grant Number (to be added by OCJP): \_\_\_\_\_

Provide the name, title, address, telephone number, and e-mail address for the project contact persons named below. **If a section does not apply to your project, enter "N/A."**

1. The person having day-to-day responsibility for the project:

Name: Elizabeth Raffaelli  
Title: Deputy District Attorney  
Address: 400 County Center, 3<sup>rd</sup> Floor Redwood City, CA 94063  
Telephone Number: (650) 363-4070 Fax Number: (650) 363-4873  
E-Mail Address: [eraffaelli@co.sanmateo.ca.us](mailto:eraffaelli@co.sanmateo.ca.us)

2. The person to whom the person listed in #1 is accountable:

Name: Stephen M. Wagstaffe  
Title: Chief Deputy District Attorney  
Address: 400 County Center, 3<sup>rd</sup> Floor Redwood City, CA 94063  
Telephone Number: (650) 363-4752 Fax Number: (650) 363-4873  
E-Mail Address: [swagstaffe@co.sanmateo.ca.us](mailto:swagstaffe@co.sanmateo.ca.us)

3. The executive director of a nonprofit organization or the chief executive officer (e.g., chief of police, superintendent of schools) of the implementing agency:

Name: James P. Fox  
Title: District Attorney  
Address: 400 County Center, 3<sup>rd</sup> Floor Redwood City, CA 94063  
Telephone Number: (650) 363-4636 Fax Number: (650) 363-4873  
E-Mail Address: [jfox@co.sanmateo.ca.us](mailto:jfox@co.sanmateo.ca.us)

4. The chair of the governing body of the implementing agency: (Provide address and telephone number other than that of the implementing agency.)

Name: Rose Jacobs-Gibson  
Title: President of the Board of Supervisors  
Address: 400 County Center Redwood City, CA 94063  
Telephone Number: (650) 363-4653 Fax Number: (650) 599-1027  
E-Mail Address: [rjacobsgibson@co.sanmateo.ca.us](mailto:rjacobsgibson@co.sanmateo.ca.us)

5. The person responsible for the project from the applicant agency, if different than #1:

Name: Stephen M. Wagstaffe  
Title: Chief Deputy District Attorney  
Address: 400 County Center, 3<sup>rd</sup> Floor Redwood City, CA 94063  
Telephone Number: (650) 363-4752 Fax Number: (650) 363-4873  
E-Mail Address: [swagstaffe@co.sanmateo.ca.us](mailto:swagstaffe@co.sanmateo.ca.us)

## CERTIFICATION OF ASSURANCE OF COMPLIANCE

***Note: There are different requirements for state and federal funds. (Those affecting only federally funded projects are identified.)***

I, JAMES P. FOX, hereby certify that:  
(official authorized to sign grant award; same person as line 13 on Grant Award Face Sheet)

GRANTEE: SAN MATEO COUNTY

IMPLEMENTING AGENCY: DISTRICT ATTORNEY

PROJECT TITLE: STATUTORY RAPE VERTICAL PROSECUTION PROGRAM

will adhere to all of the Grant Award Agreement requirements (state and/or federal) as directed by the Office of Criminal Justice Planning including, but not limited to, the following areas:

- I. Equal Employment Opportunity
- II. Drug-Free Workplace Act of 1990
- III. California Environmental Quality Act (CEQA)
- IV. Lobbying
- V. Debarment, Suspension, and Other Responsibility Matters
- VI. Proof of Authority from City Council/Governing Board

### I. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

#### A. General EEO Rules and Regulations (state and federal)

The applicant selected for funding acknowledges awareness of, and the responsibility to comply with, the following Equal Employment Opportunity requirements by signing the Grant Award Face Sheet (OCJP A301), including this Certification of Assurance of Compliance, and submitting the application to the Office of Criminal Justice Planning (OCJP).

1. California Fair Employment and Housing Act (FEHA) and Implementing Regulations, California Administrative Code, Title 2, Division 4, Fair Employment and Housing Commission.
2. California Government Code Article 9.5, Sections 11135-11139.5 and Implementing Regulations, California Administrative Code, Title 22, Sections 98000-98413.
3. Title VI of the Civil Rights Act of 1964.

4. Title V, Section 504 of the Rehabilitation Act of 1973 (29 USCS Section 974) and Federal Department Regulations on its implementation; Government Code Section 4450, et seq.
5. Subtitle A, Title II of the Americans with Disabilities Act (ADA), 42 USC Sections 12131-12134 and U.S. Department of Justice implementing regulations, 28 CFR, Part 35.
6. U.S. Department of Justice Regulations, 28 CFR, Part 42, Equal Employment Opportunity, Policies and Procedures -- **applies to federally funded grants only.**

Federal and state agencies have the legal right to seek enforcement of the above items of this assurance of compliance.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Violation of these provisions may result in withholding of grant funds by OCJP.

- B. The following apply to federally funded grants only:

**Note: Effective Fiscal Year 1992/93, the Federal criteria and requirements apply to the "implementing agency" responsible for the day-to-day operation of the project (e.g., Probation Department, District Attorney, Sheriff).**

1. Criteria for Federal EEO Program Requirements for Grants in the Amount of \$25,000-\$499,999. (Does not apply to community-based organizations).

Federal regulations require qualified recipient agencies of federal financial assistance to prepare an Equal Employment Opportunity Program (EEOP) upon meeting all of the following criteria:

- a. Grantee has 50 or more employees.
- b. Grantee has received a total of \$25,000 or more in grants or subgrants since 1968.
- c. Grantee has a service population of . . . . . more than 3% minority population, the EEOP must be prepared to focus on women).

The EEOP must be developed for the implementing agency responsible for the day-to-day operations of the program.

2. Assurance of EEOP for Federal Grants of \$25,000-\$499,999

This implementing agency has formulated, or will formulate, implement, and maintain an EEOP within 60 calendar days of the date the Grant Award Face Sheet (OCJP A301) is signed by the Executive Director of OCJP. I also certify that the EEOP is/will be on file in the following Affirmative Action (A.A.) Office:

A.A. Officer: N/A

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

The EEOP is available for review or audit by officials of OCJP or the Federal Government, as required by relevant laws and regulations.

Additionally, I agree to submit a copy of said EEOP to OCJP (Attention: EEO Compliance Officer) within 60 calendar days of the Executive Director's signature on the OCJP A301.

3. Federal Grants of \$500,000 and Above

All applicants for federal grant funds of \$500,000 or more will submit a copy of their EEOP (developed for the implementing agency), or federal letter of compliance, to OCJP with the second stage application forms.

4. EEOP Updates for Continuing Federal Grants

Projects that have previously received a total of \$25,000 or more in federal grants, or a single award in the amount of \$500,000 or more, and have an approved EEOP on file with OCJP, are required to submit an annual update of their EEOP if funds are continued. The timeframe for EEOP updates are the same as identified in Section B, 2 and 3 above.

C. The following apply to all OCJP grantees:

1. In addition to this Certification, all OCJP grantees must have a current EEO Policy Statement, established by their agency, posted in a prominent place accessible to employees and applicants; and
2. The poster entitled "**Harassment or Discrimination in Employment is Prohibited by Law**" also must be posted in a conspicuous location accessible to employees and applicants. This poster may be obtained from the local office of the Department of Fair Employment and Housing.

## II. CALIFORNIA DRUG-FREE WORKPLACE ACT OF 1990 AND FEDERAL DRUG-FREE WORKPLACE ACT OF 1988 REQUIREMENTS

The above-named organization(s) will comply with the California Drug-Free Workplace Act of 1990 of California Government Code Section 8355, et seq., and the Federal Drug-Free Workplace Act of 1988, and implemented as 28 CFR, Part 67, Subpart F, for grantees, as defined in 28 CFR, Part 67, Sections 67.615 and 67.620 by:

- A. Publishing a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required in Government Code Section 8355(a).
- B. Establishing a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
  - 1. The dangers of drug abuse in the workplace;
  - 2. The organization's policy of maintaining a drug-free workplace;
  - 3. Any available counseling, rehabilitation and employee assistance programs;
  - 4. Penalties that may be imposed upon employees for drug abuse violations.
- C. Providing as required by Government Code Section 8355(c) that every employee who works on the proposed grant:
  - 1. Will receive a copy of the company's drug-free policy statement;
  - 2. Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
- D. Notifying the employee in the statement required that, as a condition of employment under the grant, the employee will:
  - 1. Abide by the terms of the statement;
  - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- E. Notifying the agency, in writing, within ten (10) calendar days after receiving notice as required above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, and title to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, DC 20531. Notice shall include the identification number(s) of each affected grant.

- F. Taking one of the following actions, within 30 calendar days of receiving notice, with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended;
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

### III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The above-named organization(s)/individual(s) will comply with the California Environmental Quality Act (CEQA) requirements as stated in the Public Resources Code, Division 13, Section 21000 et seq. and all other applicable rules and regulations.

All appropriate documentation will be maintained on file by the project and available for OCJP or public review upon request.

### IV. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented as 28 CFR, Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR, Part 69, the applicant certifies that:

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers [including subgrants, contracts under grants and cooperative agreements and subcontract(s)] and that all subrecipients shall certify and disclose accordingly.



**V. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (applies to federally funded grants only)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR, Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR, Part 67, Section 67.510, the applicant certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency.
- B. Have not, within a three-year period preceding this application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- C. Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with, commission of any of the offenses enumerated above.
- D. Have not, within a three-year period preceding this application, had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**VI. PROOF OF AUTHORITY FROM CITY COUNCIL/GOVERNING BOARD**

The above named organization accepts responsibility for and will comply with the requirement for written authorization from the city council/governing board in support of this program. The Applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility of any such liability. Be it further resolved that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

The Applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The Applicant is also required to maintain said written authorization on file and readily available upon demand.

All appropriate documentation must be maintained on file by the project and available for OCJP or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the grantee may be ineligible for award of any future grants if the Office of Criminal Justice Planning (OCJP) determines that any of the following has occurred: (1) the grantee has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

**CERTIFICATION**

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [line 13 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: James P. Fox

Authorized Official's Typed Name: James P. Fox

Authorized Official's Title: District Attorney

Date Executed: May 20, 2003

Federal ID Number: 94-6000532

Executed in the City/County of: San Mateo

**AUTHORIZED BY:**

- City/County Financial Officer
- City Manager
- Governing Board Chair

Signature: Mary C. ...

Typed Name: Mary C. ...

Title: Financial Services Manager - District Attorney's Office

## **PROJECT NARRATIVE**

### **I. PROBLEM STATEMENT**

Prior to implementation of the SRVP program, investigations and prosecutions of the perpetrators of statutory rape in San Mateo County did not receive any specific consideration by law enforcement and prosecutorial agencies. Cases of unlawful sexual intercourse in violation of Penal Code section 261.5 were traditionally cast into general prosecution assignments and were frequently given a low priority by both police agencies and the District Attorney's Office. The attitude created an adverse environment for statutory rape cases and resulted in an ongoing decline in successful prosecutions of individuals committing the crime of unlawful sexual intercourse. Additionally, this low priority approach created friction with statutory rape victims and with the families of the victims who believe that there was little or no interest in the prevention and prosecution of this crime.

#### **A. Law Enforcement**

When the SRVP program first went into effect in San Mateo County, it had to contend with a prevailing ambivalence among law enforcement about statutory rape offenses. Law enforcement officers were frequently of the opinion that the offenses were not serious in nature and thus were not given high priority. Frequently, officers failed to even recognize a statutory rape situation when responding to calls for service. Informal "management" of these situations often resulted rather than rigorous criminal investigations and arrest.

There are numerous reasons for the ambivalence shown on the part of law enforcement. The first clearly involved attitudes based on misinformation about the crime. Officers, operating under the mistaken belief that most of these offenses involved teen offenders and teen victims, were concerned about becoming the "morality police". Officers received no training in victim,

suspect or offense dynamics, the serious consequences (emotional and physical) inflicted by the perpetrator on often very young teen victims, or the significant societal ramifications created by these offenses. Without accurate information and training law enforcement officers often carried with them the conclusion that the crime of statutory rape was an antiquated prohibition on harmless conduct between teens. The attitude certainly created a reluctance to recognize the offenses let alone intervene in them.

Similarly, officers who did come into contact with victims of statutory rape regularly found the victim hesitant to cooperate. This frequently occurred in direct conflict with parents' demands that the suspect be prosecuted. Officers would find themselves facing the unenviable situation of an angry and emotional confrontation between parent and child concerning the child's perceived "relationship" with the offender. Without a better understanding of the situational dynamics, officers were ill equipped to deal with such confrontations or understand the importance of dealing with these offenses despite victim reluctance. Circumstances such as these provided a serious disincentive to an officer's vigorous pursuit of statutory rape prosecution.

The lack of proper training in the investigation of these offenses also negatively impacted successful results. Officers were not instructed to treat statutory rape offenses as sexual assaults. Accordingly, there was often little done to collect corroborative evidence (such as medical examinations, pre-text phone calls, photos, physical evidence, interviews of independent witnesses to any observed conduct between adult and teen, etc.) The cases, when submitted for prosecution were often woefully inadequate to sustain convictions and rejected for filing. As a consequence, eventually many law enforcement officers came to the conclusion that the District Attorney's Office was unwilling to file these offenses.

Prior to the establishment of the SRVP program, issues similar to those faced by law enforcement were also faced by the prosecution. Concerns that juries would not convict persons charged with statutory rape or the misperception that these crimes were not worthy of resource allocation often underlay filing determinations.

Without vertical prosecution, police reports were distributed to any number of different prosecutors for review for filing. Frequently, the training and experience of the reviewing prosecutor would dictate whether or not a case was filed at all. One prosecutor, experienced in sexual assault prosecution might have viewed statutory rape as a form of sexual assault and would file the case. Another prosecutor, without adequate training, experience or education concerning these offenses might reject the case due to the same reluctance expressed by law enforcement to become dictators of teen morality in a "minor offense".

Even when it was determined that a case should be filed, the cases were not vertically assigned to individual prosecutors but were maintained in general caseloads. A particular case might well have been handled by multiple prosecutors at various stages of the proceedings. As with filing decisions, there were glaring inconsistencies in the handling and disposition of the cases. Of even greater concern, was the disservice done to the victim and the victim's family when the cases were shifted from prosecutor to prosecutor. Victims and their families were denied the benefit of having one Deputy District Attorney assigned to the case who knew the case, knew the victim, understood the circumstances and special needs of the victim, could answer questions or concerns and could provide necessary support and direction. Without a designated prosecutor victims and their families were often left frustrated, disillusioned with the system and felt little incentive to cooperate.

These factors, in their totality, ultimately led to self-perpetuating failure in the prosecution of these offenses. A Deputy District Attorney who received a case for trial that was minimally investigated, had little corroborative evidence, had been filed by a prosecutor with one theory of the case, a preliminary hearing conducted by yet another prosecutor with possibly a different theory of a case, an investigating officer with a jaundiced eye as to these offenses and, worst of all, an uncooperative, possible hostile victim and family as prospective witnesses was often faced with having to decide to present a weak case to a jury, make a less than satisfactory offer or dismiss it. None of these options fostered overwhelming enthusiasm for prosecuting this type of crime nor did it serve to disabuse the notion that these offenses should become high priority.

## II. **PROJECT PLAN**

### A. **PROJECT DESCRIPTION**

The Statutory Rape Vertical Prosecution project in San Mateo County is centered in the San Mateo County District Attorney's Office. The overall plan created a Statutory Rape Vertical Prosecution unit in the District Attorney's Office staffed by an experienced Deputy District Attorney assigned exclusively to the prosecution of statutory rape cases, supervised by the Chief Deputy District Attorney, and supported by a legal secretary. Since the inception of the SRVP project the District Attorney's Office has had continuing and increasing success in the prosecution of hundreds of statutory rape offenses. The Statutory Rape Vertical Prosecution project would continue to fund the Deputy District Attorney assigned to the project.

## **1. SRVP Project Impact on Law Enforcement Response**

Law enforcement officers continue to receive on-going training in the investigation of these offenses and are, at the assigned prosecutor's request, receiving priority handling as sexual assault. The quality of the work by the officers is dramatically improving. Officers are developing a greater awareness and understanding of the dynamics of statutory rape; are becoming better able to recognize the offense and ensure earlier intervention. With increased knowledge officers are learning to treat victims and their families with increased respect and understanding. Some agencies are specially designating detectives to conduct follow-up investigation and the quantity and quality of corroborative evidence have made many cases prosecutable that, before the project's implementation, would not have been filed. Along with increased numbers of successful cases has come an increase in the enthusiasm of the officers who investigate these offenses.

## **2. SRVP Impact on Prosecution**

From a prosecutor's perspective, since SRVP project was implemented, there is an improved working relationship with police agencies. Working closely with officers on these cases is also leading to a more positive attitude towards this type of offense which has led to improved law enforcement response. Verticality within the office is resulting in consistency in filing and management of the offenses. A previously unanticipated benefit is that the courts are coming to a greater appreciation of the seriousness of these offenses and victim impact. Since implementation, the SRVP project has resulted in hundreds of successful prosecutions but an equally important outcome is the benefits to the victims and their families in working with a single prosecutor. Community resources are often more receptive when there is an on-going prosecution of the offense; victims and their families are applying for and receiving restitution

from the offender where appropriate; uncooperative victims often become and remain cooperative victims throughout the prosecution process, a significant change from pre-SRVP project implementation

The Statutory Rape Vertical Prosecution Unit would continue to seek to attack the problem of statutory rape by meeting the following goals:

1. Continued vertical prosecution of all statutory rape cases.
2. Further training and continuous contact with law enforcement agencies by an experienced prosecutor to heighten police awareness of the social problems created by this crime and the need to increase investigations and prosecutions of individuals who commit statutory rape.
3. Increased contact with victims and families of victims of statutory rape to enhance their knowledge of the detrimental impact this crime has on multiple segments of society, in order to increase cooperation with the prosecution by the victims and their families, ensure that victims receive compensation were required, allow victims the opportunity to participate in the search for justice in the prosecution of these offenses. By ensuring continuing victim cooperative there will be continuing successful prosecutions of this offense.
4. Increased prosecutions of statutory rape cases by the District Attorney's Office to accomplish the goals set forth in this narrative.

The Statutory Rape Vertical Prosecution Unit will continue to seek to impact the problems described above by the establishment of vertical prosecution for all statutory rape cases submitted to the District Attorney's Office for review and prosecution. Vertical prosecution



entails the handling of each individual case of statutory rape by a single prosecutor from the initial submission through and including sentencing. All cases submitted to the District Attorney's Office would be directed to the Statutory Rape Vertical Prosecution prosecutor who will review the cases and make the filing decision. The cases will not be funneled to multiple prosecutors and will not be subject to wide discrepancies in charging standards. A single standard of review will be insured by the vertical prosecutor. The same vertical prosecutor will make all court appearances on the statutory rape cases filed and make all of the prosecution decisions involved in processing a case through the court system. These court hearings include arraignments, bail hearings, motions, preliminary hearings, pretrial conferences, trials and sentencing hearings. The victims and families of victims will know the prosecutor assigned to their cases and will not be required to deal with myriad prosecutors in learning about their cases.

ELIZABETH RAFFAELLI is the Deputy District Attorney who will continue to be assigned to the Statutory Rape Vertical Prosecution Unit as the prosecuting attorney. Ms. Raffaelli is an experienced prosecutor with more than 14 years in the District Attorney's Office. She has been assigned to our Statutory Rape Vertical Prosecution Unit since the fall of 2002. Ms. Raffaelli has had several years experience in vertical sexual assault prosecution and several years in the office's vertical domestic violence prosecution unit. She has also served in the office's vertical homicide unit and has extensive trial experience in serious felonies. Ms. Raffaelli has conducted training at a local police academy as well as police agencies throughout San Mateo County on sexual assault and domestic violence investigations. She has worked throughout her career with victims of all ages. Ms. Raffaelli requested to be a part of the SRVP unit and is dedicated and enthusiastic about her assignment.

STEPHEN WAGSTAFFE is Ms. Raffaelli's supervisor and will be the Project Director. Mr. Wagstaffe has been a prosecutor for 24 years and is the Chief Deputy District Attorney for the San Mateo County District Attorney's Office. He has *prosecuted* sexual assault and statutory rape cases and has been the Chief Deputy for twelve years. Mr. Wagstaffe maintains a commitment and dedication to the prosecution of these offenses and to ensuring that victims of these crimes receive respectful treatment and just results.

As the Deputy District Attorney assigned to the Statutory Rape Vertical Prosecution unit, Ms. Raffaelli will maintain contact with all police agencies and public health agencies in San Mateo County in order to develop a network with these agencies in order to increase referrals of statutory rape cases to this office.

There are over 22 police agencies in San Mateo County and Ms. Raffaelli will continue to coordinate with each agency to insure an awareness of the investigation required for successful statutory rape prosecution. A continuing education and training program for each agency will be maintained in which Ms. Raffaelli will conduct updated training sessions with the officers and detectives of each agency and training of new recruits in an effort to overcome the negative attitude described above and to increase the awareness of our county police officers concerning the significant social problem created by this crime.

As the vertical prosecutor, Ms. Raffaelli will maintain contact with each police agency's court liaison officer to insure that every case of statutory rape is referred directly to her for review and prosecution as appropriate. Ms. Raffaelli will also establish a working relationship with the this office's sexual assault prosecution unit to insure that every sexual assault case submitted for review but determined to be a statutory rape case is referred to the Statutory Rape Vertical Prosecution Unit for prosecution instead of referred out for general prosecution or

prosecution declined. Ms. Raffaelli will also work in coordination with the sexual assault prosecution unit to provide countywide training to investigators, social workers, prosecutors and other interested parties on use of the county's sexual assault protocol in statutory rape offenses.

Ms. Raffaelli will significantly increase contact with the victims and victims' families to insure that they are kept apprised of the progress of the case, determine what resources they need to be linked to, obtain services where appropriate and ensure they have an adequate opportunity to participate in the justice process of the case (including but not limited to the opportunity to address the court at the time of sentencing concerning the appropriate disposition).

#### **B. PROJECT OBJECTIVES AND ACTIVITIES**

The Project Objectives Form is attached and included with this application.

#### **C. SOURCE DOCUMENTATION**

The source documentation used to collect and report data is computer data kept for all cases in San Mateo County. The San Mateo County District Attorney's Office participates in the county Criminal Justice Information System (CJIS) computer system. All cases submitted for prosecution to the District Attorney's Office are entered into this computer tracking system. The CJIS system and case files will serve as the tracking mechanism for all statutory rape cases and thereby provide the necessary information for data reporting for the Statutory Rape Vertical Prosecution Project.

As a back-up system to the CJIS records, each case will have a case file that will entail the same data kept in the computer system.

**STATUTORY RAPE VERTICAL PROSECUTION (SRVP) OBJECTIVES**

**FISCAL YEAR (FY) 2003/2004 PROJECT OBJECTIVES**

**Instructions for Completing Form**

Enter the projected number to be achieved by the SRVP grant funded personnel during FY 2003/2004 for each objective listed below. All projects are required to complete the baseline data information using their most current SRVP statistics from FY 2002/2003.

<b>OBJECTIVE</b>		<b>BASELINE FY 02/03</b>	<b>PROJECTED</b>
<b>FOR SRVP PROSECUTORS</b>			
1.	Enter the number of SRVP defendants with new cases referred to the SRVP unit.	93	90
2.	Enter the number of defendants with cases reviewed by the SRVP unit.	66	75
3.	Enter the number of cases filed by the SRVP unit.	40	50
4.	Enter the number of defendants whose felony cases were completed through sentencing.	42	45
5.	Enter the number of defendants whose misdemeanor cases were completed through sentencing. (Include only cases filed as misdemeanors)	1	2
<b>FOR SRVP INVESTIGATORS</b>			
1.	Enter the number of new files opened.	N/A	N/A
2.	Enter the number of files acted upon (Include new files opened)	N/A	N/A
<b>FOR SRVP ADVOCATES</b>			
1.	Enter the number of new teen primary victims referred.	N/A	N/A
2.	Enter the number of advocate cases receiving advocate services (Include new referrals)	N/A	N/A

**DISTRICT ATTORNEY/PUBLIC ADMINISTRATOR**  
County of San Mateo

Executive Assistant

Public Administrator Unit  
1 MGMT ANAL 2 DPA 2 EPO

FINANCIAL SERVICES  
MGR

ASSISTANT DA

Fiscal Office Specialist

Bureau of Investigation  
CHIEF 1  
8 Insp

CHIEF DEPUTY  
Municipal Court

RWC MUNI  
1 DIC 9 DDA

SSF MUNI  
1 DIC 11 DDA

General Felony Pros  
7 DDA

CHIEF DEPUTY  
Special Services

Consumer Fraud  
1 DIC 2 DDA

Training

LEGAL OFFICE SVCS  
MGR

Superior Court  
13 Clerical 3 Paraltgl

Municipal Court  
18 Clerical

Juvenile Court  
2 Clerical

Consumer Fraud  
2 Clerical

Bureau of Investigat  
1 Clerical

Information Technol  
1 ITM 1 ITT

Authorized Positions  
2003-04

Management	10
Supervisory	13
All Others	100
<b>TOTAL</b>	<b>123</b>

## BUDGET NARRATIVE

The budget, as proposed, represents the estimated budgetary needs for year six of the Statutory Rape Vertical Prosecution Program for San Mateo County. This budget reflects the assignment of another experienced and knowledgeable Deputy District Attorney, Elizabeth Raffaelli, who will spend 90% of her time to vertically prosecute statutory rape cases. The balance of the attorney's time will be spent handling other needs of the Office.

The Deputy District Attorney will provide a capable and experienced prosecutor to this program to screen statutory rape cases for acceptance by the Statutory Rape Prosecution Program and is assigned these cases for prosecution from initial appearance through sentencing.

The Program Director, Stephen Wagstaffe, will oversee this project administratively as a function of his position but his efforts shall not be charged to this project.

Any salaries and benefits not covered by initial grant funding will be absorbed within the grant budget via grant modification or will be supported by local agency departmental funds.

This budget submission was developed to cover the salaries and benefits for FY 2003-04. The County negotiated salaries and benefits increases over a three-year period, which went into effect in November 2002. This budget includes a 3% cost-of-living increase effective November 2003.

In order to meet the grant budget, all operating expenses, which cover costs associated with: required training and conferences relative to this program; in-county travel to meet with investigating officers and witnesses and conduct training to law enforcement personnel and community groups; funding for witness travel and per diem and expert witness consultation and testimony; membership dues with CDAA, the State Bar and County Bar membership; educational posters that will be disseminated to teen centers, community-based organizations and parents' groups; investigation and initial case review through sentencing; service charges for automation and telephone usage expense; miscellaneous supplies; and jury and witness fees will be assumed by the District Attorney's Office.

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST
<b>A. Personal Services - Salaries</b>	
1. <u>DEPUTY DISTRICT ATTORNEY - IV-E (.90 FTE)</u>	<b>\$124,435</b>
\$5,215.20 per biweekly pay period x 9 pay periods x 0.90 =	\$42,243.12
\$5,372.00 per biweekly pay period x 17 pay periods x 0.90 =	\$82,191.60
<b>Total</b>	<b>\$124,434.72</b>
<b>TOTAL SALARIES</b>	<b>\$124,435</b>



BUDGET CATEGORY AND LINE-ITEM DETAIL		COST
<b>A. Personal Services - Benefits</b>		
1. <u>DEPUTY DISTRICT ATTORNEY - IV-E (.90 FTE)</u>		<b>6,065</b>
FICA	5,520 4.44%	
Medicare	2,008 1.61%	
Retirement	21,378 17.18%	
Health Insurance	11,737 9.43%	
Dental Insurance	1,084 0.87%	
Vision Insurance	168 0.14%	
Life Insurance	180 0.14%	
Long Term Disability Insurance	168 0.14%	
Unemployment Insurance	140 0.11%	
Workers' Compensation Insurance	<u>916</u> <u>0.74%</u>	
	42,383 34.80%	
Subtotal	43,299 X 90% FTE = 38,969.10	
Less amount covered by District Attorney's Office		32,904.10
<b>TOTAL</b>		<b>6,065.00</b>
<b>BENEFITS</b>		<b>\$6,065</b>
<b>TOTAL SALARIES AND BENEFITS</b>		<b>\$130,500</b>

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST
B. Operating Expenses  None	0
<b>TOTAL</b>	0

BUDGET CATEGORY AND LINE-ITEM DETAIL				COST
C. Equipment				
None				0
<b>CATEGORY TOTAL</b>				<b>\$0</b>
<b>PROJECT TOTAL</b>				<b>\$130,500</b>
FUND DISTRIBUTION	FEDERAL	STATE	CASH MATCH	IN-KIND MATCH
1. Amount of Funds	N/A	\$130,500	N/A	N/A
2. Percentage of Funds	N/A	100%	N/A	N/A